IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 424 of 2000

to

FIRST APPEALNo 437 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SPECIAL LAND ACQUISITION OFFICER

Versus

KANJI CHATURJI

Appearance:
Mr.Umesh Trivedi, learned A.G.P. for the appellant No.1.
Mr.A.D.Oja, learned G.P. for appellant No.2.
Mr.J.M.Patel for
MR AJ PATEL for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA
and

MR.JUSTICE J.R.VORA

Date of decision: 16/01/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

These 14 First Appeals under Sec.54 of the Land Acquisition Act read with Sec.96 of the Civil Procedure Code are directed against the common judgment and order dated 9.9.99 passed by the Extra Assistant Judge, Mehsana in Land Acquisition Reference Nos.1698 to 1703 of 1992 and Land Acquisition Reference Nos.1705 to 1712 of 1992. The Reference Court has determined the market price of the land at the rate of Rs.48/-- per sq.mt. as against the rate of Rs.3/-- per sq.mt. determined by the Land Acquisition Officer.

The lands in question are of village Sabaspur, Taluka Kalol. These lands were sought to be acquired for the Narmada Main Canal Project and thereafter Sec.4 Notification was issued on 10.7.90 and Sec.6 Notification was issued on 25.4.91 and the Award was passed by the Land Acquisition Officer on 23.3.92. The claimants had claimed Rs.100/-- per sq.mt. before the District Court, but the District Court has enhanced the compensation by Rs.45/-- per sq.mt. and awarded the compensation at the rate of Rs.48/-- per sq.mt. The deposition of one Kacharaji Gandaji Thakor -claimant has been relied upon alongwith the High Court Judgment in case of lands of village Jaspur, Taluka Kalol in First Appeal Nos.43 to 54 of 1998 wherein the lands had been acquired for the same purpose i.e. Narmada Main Canal Project and the Notification under Sec.4 was issued on 2.1.1986 and in these cases, the High Court had enhanced the compensation at the rate of Rs.52/-- per sq.mt. and the Special Leave petition against the High Court's decision was dismissed by the Supreme Court. The Award Exh.16 has also been relied upon as was passed by the District Court in Land Acquisition Reference Nos.1921 to 1929 of 1991 in respect of village Ganpatpura, Taluka - Kalol for the same purpose of Narmada Canal wherein the Notification under Sec.4 was issued on 3.12.1986 and the District Court had awarded the compensation at the rate of Rs.40/-- per sq.mt. The High Court dismissed the State Appeals. Yet another previous award Exh.17 pertaining to village Vadsar, Taluka - Kalol in Land Acquisition Reference Nos.1128 to 1130 of 1990 for the same purpose of Narmada Canal had been relied upon wherein Sec.4 Notification was issued on 12.3.1985. The District Court had awarded the compensation at the rate of Rs.40/-- per sq.mt. Besides this, the Village Forms 7/12 at Exh.18, Maps at Exhs.27

to 29, the award of the District Court with regard to lands of village Ushmanabad at Exh.30 and the deposition of Khimjibhai Virjibhai Patel have been considered. There is no dispute that these lands are also of the same village i.e. Sabaspur, Taluka Kalol as were concerned in the First Appeal No.3578/2000 decided by a Division Bench of this Court on 26.12.2000. The purpose of the acquisition is the same and there is only a difference of about two months in the date of issue of Notification under Sec.4 and, therefore, we find that this matter is in fact fully covered by the aforesaid decision and the market rate determined at the rate of Rs.48/-- per sq.mt. for the land in question is just and proper. It does not warrant any interference. There is no merit in these Appeals. All these 14 Appeals are hereby dismissed.

(M.R.Calla,J)

(J.R.Vora,J)